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***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

In re application of: Martinek et al.	Atty. Dkt. No.: IGT1P369/SH00052-001
Application No.: 09/520,405	Examiner: Leiva, Frank M.
Filed: March 8, 2000	Group: 3714
Title: COMPUTERIZED GAMING METHOD AND APPARATUS	Confirmation No: 1300

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Signed: \_\_\_\_\_/Emma Durrell/

***PRE-APPEAL BRIEF REQUEST FOR REVIEW***

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request review of the final rejection in the above-identified patent application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

Claims 58-70, 74-76, 78, 79, and 81-83 are pending. Claims 58-70, 74-76, 78, 79, and 81-83 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. 5,592,609 (Suzuki) in view of U.S. 6,315,666 (Mastera). Applicants respectfully traverse these rejections.

***Claim 58 recites a Gaming Program Shared Object***

Claim 58, by way of example, recites a “plurality of gaming program shared objects.” The gaming program shared objects may “dynamically link” with the system handler such

that the plurality of gaming program shared objects may “call a set of common functions effectively provided by the system handler when the system handler is executed.” Claim 58. The system handler may comprise an Application Program Interface that further includes “a plurality of gaming functions callable by and used by the gaming program shared objects.” Claim 58. Moreover, the system handler may “load said gaming program shared objects” when executed. Claim 58. Thus, gaming program shared objects, as recited in claim 58, may dynamically link with the system handler of an operating system such that they may “call a set of common functions effectively provided by the system handler application when the system handler application is executed,” wherein the common functions may comprise “a plurality of gaming functions callable by and used by the plurality of gaming program shared objects.” Claim 58.

### ***Suzuki Fails to Disclose or Suggest a Gaming Program Shared Object***

Suzuki describes a game processor console including a floppy disk that stores an operating system and model software that may be used to fabricate a video game. Col. 5, lines 20-37. The language cited by the Examiner describes “[a] command routine portion of the operating system [that] includes subroutines that perform actual operations based on instructions from the kernel and [a] peripheral driver section of the operating system [that] includes subroutines that handle access to the various peripherals as described above.” Col. 27, lines 48-50.

Thus, a subroutine may perform operations based on instructions from the kernel of an operating system. The kernel, as described in Suzuki “interprets commands, manages memory, reads in transient operating system portions and starts up command routines.” Col. 27, lines 41-43. However, Suzuki makes no mention of the kernel “comprising a plurality of gaming functions callable by and used by the plurality of the gaming program shared objects,” as recited in claim 58. Consequently, it cannot be said that the subroutine dynamically links with the kernel in a manner that allows it to call a set of gaming functions.

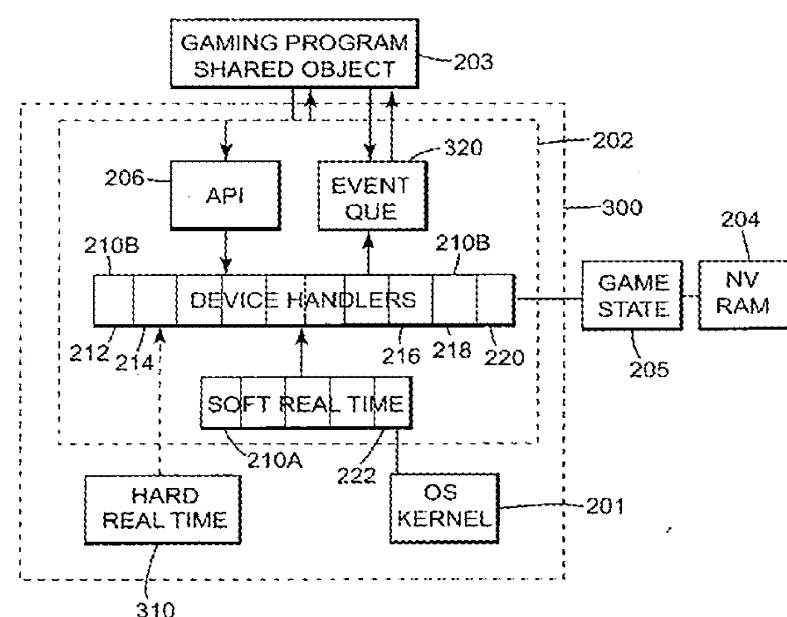
Suzuki further mentions that a subroutine may handle access to various peripherals. However, the management of access to peripherals disclosed in Suzuki makes no mention of a plurality of gaming program shared objects that may “dynamically link” with the system

handler such that the plurality of gaming program shared objects may “call a set of common functions effectively provided by the system handler when the system handler is executed.” Claim 58.

Further, the subroutines disclosed in Suzuki are part of the operating system. In contrast, the gaming program shared object disclosed in the present application is recited as a separate element from the operating system. Claim 58 recites (emphasis added):

an operating system that runs on the computerized game controller, the operating system comprising an operating system kernel and a system handler application, the operating system kernel and system handler application operable: to dynamically link with a plurality of gaming program shared objects and device handlers for the computerized wagering game at run time when the computerized wagering game is executed in a manner that allows the plurality of gaming program objects to call a set of common functions effectively provided by the system handler application when the system handler application is executed, and load said gaming program shared objects and device handlers

As illustrated in Figure 2 reproduced below, the gaming program shared object 203 is a separate element from operating system 300. The system handler 202 within operating system 300 links with a plurality of gaming program shared objects 203, but does not interact with the gaming program shared objects 203 in a manner that causes the objects to function as a subroutine of operating system 300.



**Fig. 2**

Thus, Suzuki fails to disclose or suggest a gaming program shared object, as recited in claim 58.

### ***Mastera Fails to Disclose or Suggest a Gaming Program Shared Object***

Mastera describes gaming machines having a secondary display for providing video content. The system disclosed in Mastera may further comprise a graphics controller and video RAM storing video data corresponding to displayed video content. The language cited by the examiner describes a system controller determining when video data should be provided to a graphics controller. Col. 13, lines 10-13. The graphics controller may then control the display of the content on the LCD display in accordance with an animation. Col. 13, lines 13-15.

While Mastera represents a significant advance in gaming machine displays and methods, Mastera only references data associated with a wagering game in the context of displaying audio and video data associated with the wagering game. Mastera makes no mention of a gaming program shared object within the wagering game program. Thus, Mastera is silent regarding gaming program shared objects that may dynamically link with the system handler of an operating system such that they may “call a set of common functions effectively provided by the system handler application when the system handler application is executed,” wherein the common functions may comprise “a plurality of gaming functions callable by and used by the plurality of gaming program shared objects.” Claim 58.

### ***The Combination of References Does Not Disclose a Gaming Program Shared Object***

Claim 58 recites a “a plurality of gaming program shared objects ... .” For at least the reasons stated above, Suzuki fails to disclose or suggest a gaming program shared object as claimed. Mastera also fails to disclose or suggest a gaming program shared object as claimed. Accordingly, the combination proposed by the Examiner fails to disclose or suggest all of the features recited in claim 58.

Claims 76 and 78 recite features similar to those recited in claim 58. It is respectfully submitted that claims 76 and 78 are not obvious for at least the same reasons as claim 58. The dependent claims include, by virtue of their dependency, the features of the independent

claims on which they are based and, therefore, are not obvious for at least the same reasons as their respective dependent claims.

Therefore, it is respectfully submitted that the rejections to all pending claims under 35 U.S.C. § 103(a) should be withdrawn.

### **CONCLUSION**

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 50-4480 (Order No. IGT1P369).

Respectfully submitted,  
Weaver Austin Villeneuve & Sampson LLP

/John F. Griffith/

John F. Griffith  
Reg. No. 44,137

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100